

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Notice PM-2218

For: FAS Overseas Employees

Foreign Service Employees Using Annual Leave to Avoid Forfeiture and Exigency Information

Approved by: Administrator



1 Overview

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Purpose

This notice provides:

- notification that leave year (LY) 2000, has **27 pay periods** and will end on January 13, 2001

Note: Employees, when calculating excess annual leave for LY 2000, must be sure to add in accruals for pay period 27.

- eligible overseas employees with facts about **annual leave** exceeding the 360-hour maximum carryover **will be forfeited** if it is **not** used or donated before January 13, 2001
 - noncommissioned employees with information about **compensatory leave** rules.
 - information on **donating excess annual leave** that might otherwise be forfeited
 - information about **exigencies** of public business
 - change to restoration usage period according to subparagraph 7 A.
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Contact

If there are any question about this notice, contact Sally Reed, HRD at 202-418-9032 or e-mail at **Sally_Reed@wdc.fsa.usda.gov**.

Disposal Date

February 1, 2001

Distribution

All FAS Overseas employees

2 Eligibility for 360-Hour Annual Leave Ceiling

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Eligibility

To be eligible for the 360-hour maximum carryover of annual leave, U.S. citizen employees must be directly recruited or transferred by the Federal Government from U.S., Commonwealth of Puerto Rico, or possessions of U.S. for employment outside their area of recruitment.

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Not Eligible

U.S. citizens or foreign employees domiciled and recruited overseas are **not** eligible.

3 Compensatory Time for Noncommissioned Employees

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Rules

Compensatory leave should be used before annual leave, **except** at the end of the LY when usage would result in the forfeiture of annual leave.

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Time Limit

Compensatory leave must be used within a 16-week period or it is forfeited, **unless** the employee:

- is not exempt from the Fair Labor Standards Act
- request for use of compensatory leave is denied.

Note: In either case, compensatory time would be paid to the employee at their overtime rate of pay.

4 Donating Excess Annual Leave

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Donations

Under the leave transfer program, Federal employees may donate their **excess annual leave** to other Federal employees who have been approved as a leave recipient, the lesser of the following:

- one-half of their annual leave entitlement for LY 2000
 - the number of scheduled workhours they have remaining in the LY.
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4 Donating Excess Annual Leave (Continued)

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Exemptions

Exemptions to the donation limit in subparagraph A may be granted by the leave transfer coordinator in your servicing personnel office, when the recipient being donated to is still in need of leave.

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Eligible Recipients

For a current list of approved leave recipients, contact either of the following:

- Linda Watkins, HRD at 202-418-9038
 - Angela Jackson, HRD at 202-418-9019.
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5 Using Annual Leave and Compensatory Time

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Supervisory Action

Supervisors shall:

- discuss leave plans with employees who have excess annual leave or expiring compensatory time
 - approve SF-71's submitted for use of excess annual leave and/or compensatory time, when possible
 - try to reschedule the use of any excess annual leave that must be denied before the end of the LY
 - advise employee's who are on sick leave, pending approval of disability retirement, to use their excess annual leave or risk forfeiture at the end of the LY.
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5 Using Annual Leave and Compensatory Time (Continued)

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Employee Action

Employees shall:

- estimate their annual leave balance at the end of LY 2000 and determine whether they have **excess annual leave** that needs to be used before the end of the LY
- review and determine whether they have any **compensatory leave** hours that need to be used
- schedule the use of excess annual leave or expiring compensatory time by submitting an SF-71 to their supervisor **no later than November 17, 2000**.

Important: Employees shall **retain a copy** of any SF-71's where the use of excess annual leave has been **denied** or **canceled**. These SF-71's will be required if requesting consideration for an exigency of public business.

6 Exigency of Public Business

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Exigency Provisions

Only the FAS Administrator, or his designees, have the authority to declare an exigency of public business and grant an employee a restoration of forfeited annual leave. Exigency requests will be:

- considered for approval when the FAS overseas mission cannot be accomplished without canceling the use of excess annual leave
 - reviewed on a case-by-case basis.
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6 Exigency of Public Business (Continued)

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**Exigency
Approval Process**

To request an exigency, the requesting employee or office shall prepare a short memorandum addressed to the **Administrator, FAS**, stating and including:

- the employee's name and social security number
- the number of annual leave hours to be restored
- the reason for the exigency request
- copies of employee's "canceled or denied" SF-71's
- signature of employee's FAA supervisor
- date.

FAX completed exigency requests and attachments to Lyle Sebranek, Deputy Administrator, FAS at 202-690-2159 for approval handling.

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**Approved
Exigencies**

Once the exigency memo is **approved** by the Administrator, or his designee, the approved exigency memorandum and attachments shall be FAXed to:

FFAS, HRD, PMBAB
Attn: Sally Reed
202-418-9129 (FAX)

Note: Approved exigency requests should be received by HRD, PMBAB **by the end of pay period 1, 2001**, if possible.

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**Restoration of
Annual Leave**

Restorations of forfeited annual leave will be processed **no earlier than pay period 2, 2001**, or as soon afterwards as possible.

HRD, PMBAB will:

- verify that the amount of annual leave requested for restoration **matches** the amount of annual leave that the NFC database shows as forfeited by the employee in LY 2000
 - restore the employee's forfeited annual leave into the NFC database
 - advise the employee and their FAS supervisor when the restoration of leave is complete.
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7 Important Restoration Update and Contact Information

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Using Restored Annual Leave Change

Because of a revised interpretation of the regulations governing the period of time allowed for using restored annual leave, employees approved for a LY 2000 restoration of forfeited annual leave will have approximately **2 leave years** in which to use their restored annual leave, **not** 3 years. Therefore, employees who have annual leave restored in pay period 2, 2001 shall have the balance of LY 2001 and all of LY 2002 in which to use their restored annual leave. Any restored annual leave that is not used within this timeframe must be forfeited.

Annual leave restored in past LY's will be honored for the period of time for which the original restoration was approved, which in most cases will be 3 leave years.

Note: The NFC database has reprogrammed for this 2-year restoration change.
